

S/N 10/848,742

PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: HIRAMOTO et al. Examiner: K. Bernatz
Serial No.: 10/848,742 Group Art Unit: 1773
Filed: May 17, 2004 Docket: 10873.792USD1
Title: MAGNETO-RESISTIVE ELEMENT

CERTIFICATE UNDER 37 CFR 1.6(d):

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on July 14, 2005.

By: 

Name: Yuhgo Maruta

TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL
DOUBLE PATENTING REJECTION OVER A PRIOR PATENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Petitioner, Matsushita Electric Industrial Co., a corporation organized and existing under the laws of the Country of Japan and having its primary place of business at 1006, Oaza Kadoma, Kadoma-shi, Osaka, Japan 571-8501, through the undersigned attorney of record, represents that it is the owner of the entire right, title and interest in U.S. Patent Application Serial No. 10/848,742, filed on May 17, 2004 and entitled MAGNETO-RESISTIVE ELEMENT ("present application"), by virtue of assignment recorded at Reel 012315, Frame(s) 0150, and hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term U.S. Patent No. 6,767,655, filed on August 16, 2001, and entitled MAGNETO-RESISTIVE ELEMENT ("prior patent") as the term of said prior patent is defined in 35

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U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the present application 10/848,742 shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the present application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the present application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims cancelled by a reexamination certification, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Date: July 14 2005Signed: Name: Douglas P. MuellerReg. No.: 30,300